IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph C. Lee	)	February 11, 2007
	)	
Appl. No.: 10/670,873	)	Attorney Docket No. RAR379.01
	)	
Filing Date: 09/25/2003	)	Group Art Unit 2681
	)	
Title: Wafer Mobile Phone Platform System	)	Examiner: Le, Lana N.

Commissioner for Patents
Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR § 1.131

Declaration of Richard A. Ryan

I, Richard A. Ryan, declare as follows:

1. I am a resident of the County of Fresno, State of California. The following facts are within my personal knowledge, except those matters stated on information and belief and, as to those matters, I believe them to be true. If called upon as a witness, I could and would competently testify to the facts set forth below.

2. I am a registered patent attorney (Registration No. 39,014) with the Patent and Trademark Office ("PTO") and was hired by the Joseph C. Lee, the inventor of the above-identified patent application to prepare a patentability search and prepare a patent application for his invention. This Declaration is filed in support of the Declaration of Joseph C. Lee filed herewith.

3. My notes indicate that I met with Mr. Lee on July 16, 2003 to discuss his invention and the possibility of protecting his invention with a patent application. During our meeting, Mr. Lee explained to me his concept for a mobile phone wafer system that comprised a phone wafer which had minimal communication components for use either as a stand-alone, minimalist phone or for use with one or more peripheral devices, including cellular phone body, cameras, video cameras, PDA, laptops and others. Mr. Lee explained to me that his phone wafer would communicate with the peripheral device wirelessly (such as Bluetooth or WI-FI), by wired connection, by docking with the device or by insertion into the device. Based on our meeting, I believed I had a very good understanding of his invention.

4. Pursuant to a letter dated July 24, 2003, I instructed Mr. Martin E. Keller to perform a patentability search directed to Mr. Lee's invention. A copy of this letter is attached hereto as Exhibit 1.

5. Pursuant to a letter dated July 30, 2003, Mr. Keller transmitted to me copies of the patents and patent applications he identified as a result of the requested patent search. A copy of this letter is attached hereto as Exhibit 2.

6. Pursuant to a letter dated August 9, 2003, I transmitted a patentability search report to Mr. Lee summarizing the requested patentability search. A copy of this letter is attached hereto as Exhibit 3.

7. Subsequent to the above letter, I began preparation of a patent application directed to his mobile phone wafer system. After review of the patent application materials by Mr. Lee, the patent application was filed on September 25, 2003.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on February 12, 2007, in Fresno, California.

Richard A. Ryan, Reg. No. 39,014

RYAN & ENGNATH
A LAW CORPORATION

Richard A. Ryan*
*Registered Patent Attorney

richard@ryanengnath.com

8469 N. Millbrook, Suite 104
Fresno, California 93720
Phone: (559) 447-1862
Fax: (559) 447-1042
http//www.ryanengnath.com

Michele A. Engnath**
**Also Licenced in Louisiana

michele@ryanengnath.com

July 24, 2003

VIA FACSIMILE
Mr. Martin E. Keller
2101 Crystal Palace Arcade, Suite 170
Arlington, Virginia 22202

Re: Novelty Search - Wafer Mobile Phone Platform

Dear Mr. Keller:

Please perform a search through the records of the United States Patent and Trademark Office ("PTO") to determine the novelty of the invention described below.

Confidentiality/Capability: The information presented below is confidential. Please preserve it in confidence during the course of the search and return it to me with your search report. Also, please briefly review this material to determine if it is outside of your area of expertise or if a conflict exists between it and matters presented to you by others. If it is outside your area of expertise or if a conflict exists, please do not perform the search, but promptly let me know and return this material to me.

Search Parameters/Report: In performing the search, please search the Examiner's collection of foreign art and literature in the most pertinent subclasses. In your search report, please list the areas searched by class and subclass, indicate which Examiner's collections you searched, and include any pertinent comments made by Examiners with whom you consulted, if any.

Timing: If possible, I would like to receive your results by no later than Wednesday, August 13, 2003.

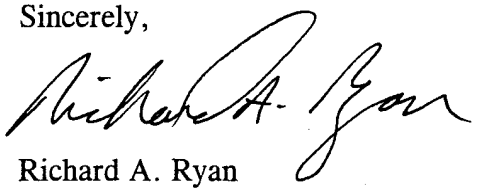
Invention: In summary, the client's invention is wafer mobile phone platform that is used as part of a system with cell phones, cameras, video cameras, PDAs, laptops and other peripheral devices. Basically, what the client is doing is separating the phone's communication features from the phone's other features (i.e., looks, numeric pad, screen, etc.) to provide a "wafer" that can be used with the peripheral devices. In one embodiment, the wafer is roughly 3.5" by 1.5" and 0.5" thick and have an on/off button, small LCD readout for incoming phone number identification, a USB port for docking with peripheral devices and charging and a headphone jack. The wafer will come with an earpiece, preferably having Bluetooth technology, so that it can wirelessly connect and control the phone wafer (i.e., touch the earpiece to answer call and utilize voice activated dialing to dial numbers. The docking feature can be done with wires or with wireless technology, including Bluetooth and/or Wi-Fi circuitry.

The docking features of the wafer allow it to be joined with the peripheral devices. The screen on the peripheral device allows the user to interface with the phone database to look up numbers, etc. For instance, the wafer can be slid into a high quality digital camera or video camera so that you can send high quality (not like the current cameras that attach to cell phones) photographs or video anywhere in the world. The screen on the camera or video camera would interact with the phone wafer. The wafer would allow you to accept phone calls with the camera or video camera. A major advantage of this invention is the ability to update the peripheral device, including for instance the cell phone body, without having to change the wafer phone. A person can use the wafer by itself or place it in one of his or her peripheral devices to have the phone and peripheral (i.e., camera) in one device. For instance, the camera can be used as the camera, a cell phone or a device to wirelessly transmit high quality photographs.

Search Results/Cost: Please let me know if you believe the cost of the search will exceed approximately $300.00 (plus copying and mailing costs) and/or if the deadline is unreasonable.

Thank you for your assistance. Please call me if you need any additional information regarding the foregoing.

Sincerely,



Richard A. Ryan
RYAN & ENGNATH

RAR:
Enclosures

M.E. Keller

Providing Patent Info Since 1985

from the desk of
Martin E. Keller

Member

Product Development and Management Association

Association for the Advancement of Medical Instrumentation

Mailing Address:
2101 Crystal Plaza Arcade
PMB 170
Arlington, VA 22202

Office: (540) 288-8228
Fax: (540) 288-9201

July 30, 2003

Richard A. Ryan
Ryan & Engnath
8469 N. Millbrook, Suite 104
Fresno, CA 93720

Re: Patent Search for Wafer Mobile Phone Platform

Dear Mr. Ryan:

The patent search for the above stated item is complete. There are several very relevant patents enclosed showing similar devices. Three of the best references are 2002/0118135 , 6,573,868 and 6,172,645. Please see paragraphs [0015] to [0017] of the published application above. The crux of it is in paragraph [0017].

The following is the field of search:
343/700, 702, 767, 768, 900, 901, 903
235/486, 487, 491, 492

I have enclosed an invoice for the search. Please let me know if I may be of further assistance in this case or any other search needs. I look forward to working with you again.

Sincerely,

Martin E. Keller

RYAN & ENGNATH
A LAW CORPORATION

Richard A. Ryan*
*Registered Patent Attorney

richard@ryanengnath.com

8469 N. Millbrook, Suite 104
Fresno, California 93720
Phone: (559) 447-1862
Fax: (559) 447-1042
http//www.ryanengnath.com

Michele A. Engnath**
**Also Licenced in Louisiana

michele@ryanengnath.com

August 9, 2003

VIA HAND-DELIVERY
Mr. Joseph C. Lee
c/o PRUDENTIAL FINANCIAL
7111 N. Fresno Street, Suite 140
Fresno, CA 937206

Re: Patent Search - "Wafer Mobile Phone Platform"

Dear Mr. Lee:

In accordance with your directions, I instructed my Washington, D.C. associates to conduct a patentability search pertaining to your wafer mobile phone platform apparatus and system. The results of that search are summarized below.

In summary, the invention is a wafer mobile phone platform that is used as part of a system with cell phones, cameras, video cameras, PDAs, laptops and other peripheral devices. Basically, the platform separates the phone's communication features from the phone's other features (i.e., looks, numeric pad, screen, etc.) to provide a "wafer" that can be used with the peripheral devices. In one embodiment, the wafer is roughly 3.5" by 1.5" and 0.5" thick and has an on/off button, small LCD readout to display incoming phone numbers and other identification information, a USB port for docking with peripheral devices and a headphone jack. The wafer will come with an earpiece, preferably having bluetooth technology, so that it can wirelessly connect and control the phone wafer (i.e., touch the earpiece to answer call and utilize voice activated dialing to dial numbers. The docking feature can be done with wires or with wireless technology, including bluetooth and/or wi-fi circuitry.

The docking features of the wafer allow it to be joined with the peripheral devices. The screen on the peripheral device allows the user to interface with the phone database to look up telephone numbers, etc. For instance, the wafer can be slid into a high quality digital camera or video camera so that you can send high quality (not like the current cameras that attach to cell phones) photographs or video anywhere in the world. The screen on the camera or video camera would interact with the phone wafer. The wafer would allow

you to accept phone calls with the camera or video camera. A major advantage of this invention is the ability to update the peripheral device, including for instance the cell phone body, without having to change the wafer phone. A person can use the wafer by itself or place it in one of his or her peripheral devices to have the phone and peripheral (i.e., camera) in one device. For instance, the camera can be used as the camera, a cell phone or a device to wirelessly transmit high quality photographs.

The Patent Office categorizes patents and patent applications into a various classes and subclasses to facilitate searching for related technology. As you may expect, there are many thousands of such classes and subclasses. The patentability search for your invention was directed to U.S. Patent Class 343, subclasses 700, 702, 767, 768, 900, 901 and 903 and Class 235, subclasses 486, 487, 491 and 492. These are the classes and subclasses believed to be the most relevant to your invention. As a result of the search, a number of patents and published patent applications were identified which disclose various devices that relate to your invention. Copies of these patents are enclosed for your reference.

While I believe that the search is accurate, there are certain limitations to any patentability search. For instance, there is always the possibility that the Patent Office files are incomplete or that patents were placed in the wrong class or subclass, resulting in certain patents being unavailable or generally unlocateable. In addition, due to the costs that would be involved, the search was not directed to foreign patents or non-patent literature, both of which could affect the ultimate patentability of your invention (prior art includes any related device that was on sale, sold, used in public, patented or described in a printed publication more than one year before the date of invention for your invention). Also, there is no way to know if any recently filed patent applications, which are held in strict secrecy by the Patent Office until they are published at approximately eighteen months after filing or their claimed priority date, pertain to an invention that is similar to yours.

In evaluating the potential patentability of your invention, the analysis was conducted with reference to the patentability requirements set forth in the United States laws governing the issuance of patents. There are three substantive requirements for an invention to be patentable. These requirements are summarized below:

First, the invention must be useful. Usefulness merely requires that the invention work and be legal somewhere in the United States for some purpose. I see no difficultly with your invention complying with the usefulness requirement.

Second, the invention must be novel. To be novel, the invention must not be known in its entirety. This is established by showing that no patent or pre-existing reference (such as a publication) discloses each and every element of your invention.

Third, and typically the most difficult requirement to establish, the invention must not be obvious to a person having ordinary skill in the relevant field of art. If a person having ordinary skill in the relevant art would consider your invention to be obvious in light of the available references, without the aid of hindsight, the Patent Office cannot issue a patent.

Turning to the references found by the patentability search, summarized below is a brief description of the features disclosed in each patent and published patent application, if any, that are relevant to your invention. The numbers in the descriptions refer to the elements identified in the respective drawings. For simplicity purposes, the patents are listed first and then the published patent applications, both of which are in chronological order based on the issue date or publication date, and are referred to by the name of the inventor or, in the case of multiple inventors, the name of the first inventor.

The Kikinis patent, U.S. Patent No. 5,799,068 issued on August 25, 1998, discloses a smart phone system that utilizes a micro-personal digital assistant (μPDA) 1010 that is adaptable for docking in a dedicated cellular telephone 1405, as shown in Figure 21 and discussed at column 21, line 5. Discussion of the μPDA begins at column 10, line 34 and continues for several pages. From the description of the μPDA, it is more of a memory device that stores software, data and other information that can be inserted into another device so that the device can have access to the stored information. This patent shows that it is known to utilize a modular platform device suitable for connection to a number of peripheral devices so that the peripheral devices function better. The patent does not describe a wafer mobile phone platform.

The Kinney patent, U.S. Patent No. 5,991,864 issued on November 23, 1999, discloses a modular radio card connector mechanism for connecting a communication card device, such as a radio or modem, to an appropriately configured antenna or telephone line. The radio card 10 connects to a receiving device 11, which can be inside a computer or other device, in a manner that interconnects antenna contacts 15 on the card 10 and antenna contacts 16 on the receiving device 16. Like the above patent, this patent merely shows that it is known to utilize a modular radio suitable for connecting to differently configured devices (i.e., computers). The patent does not discuss or suggest utilizing a wafer mobile phone platform such as your invention.

The first Johnson patent, U.S. Patent No. 6,135,786 issued October 24, 2000, discloses a modular connector for connecting electronic devices to a communications card, such as a PCMCIA card. The patent description notes that while the PCMCIA card to computer connection is standard, the connection of the card to outside devices is not. This patent provides a modular connector to connect to PCMCIA cards. A PCMCIA card 10, shown in Figure 1 with modular connector 12 inside, is modified to include jack 18 at one end.

The figures show different types of connectors suitable for use with this device. Like the above patents, this patent merely shows that it is known to utilize a modular apparatus for connecting one item (i.e., a PCMCIA card) to differently configured devices (i.e., camcorders). The patent does not discuss or suggest utilizing a wafer mobile phone platform such as your invention.

The Glad patent, U.S. Patent No. 6,164,989 issued December 26, 2000, discloses another adaptable communications connector for connecting PCMCIA cards to a variety of peripheral devices. As shown in the figures, a receptacle module 100 adaptable for receiving various connectors, such as a telephone plug, fits into the PCMCIA card (an example is shown in Figures 1 and 2). As shown, various mechanisms are available for making the connector available. As with the above patents, this patent does not discuss or suggest utilizing a wafer mobile phone platform.

The Hollander patent, U.S. Patent No. 6,172,645 issued January 9, 2001, discloses a integrated extendable PCMCIA antenna for use with a PCMCIA card 10 connected to a computer 12 so as to provide improved wireless transmission and reception. The antenna structure 22 of this patent is configured to not increase the size of the PCMCIA card 10 and to be retractable inside cavity 16 of the card when not in use. As with the above patents, this patent does not discuss or suggest utilizing a wafer mobile phone platform.

The Madsen patent, U.S. Patent No. 6,174,205 issued January 16, 2001, discloses a communication card extension and adapter module 50 that allows an electrical connection to be established between a communication system and a communication card, such as a PCMCIA card 52. As shown in Figure 4, module 50 is adapted to connect to the open end of card 52 that is disposed in a computer, cellular phone, PDA and the like (see column 7, line 47 through column 8, line 4. As with the above patents, this patent does not discuss or suggest utilizing a wafer mobile phone platform.

The Hayek patent, U.S. Patent No. 6,224,254 issued May 1, 2001, discloses a radio telephone timepiece (i.e., a radio telephone watch) that includes a SIM card for use in a mobile communication system. The removable SIM card 10 interconnects the electronic module 5 in the watch case 2 with the communication system. This patent provides improved accessibility and interchangeability of the SIM card 10 so the user can remove or replace it quickly and easily. This is accomplished by not incorporating the SIM card 10 inside the watch case, where only watchmaking specialists are intended. As with the above patents, this patent does not discuss or suggest utilizing a wafer mobile phone platform.

The Tanaka patent, U.S. Patent No. 6,417,913 issued July 9, 2002, discloses an apparatus for ordering photographic prints that comprises a digital camera 10, a cellular phone 610, a base station 642 connected to a communications network 640 and a computer system

600. The system is configured for the camera 10 to send photographic data store therein to the computer system 600 via the phone 610. The system is configured to allow the original directory structure to be maintained, together with ordering information. As with the above patents, this patent does not discuss or suggest utilizing a wafer mobile phone platform.

The Green patent, U.S. Patent No. 6,501,962 issued December 31, 2002, discloses a smart card, such as a SIM, for a mobile station 8 used in a mobile communications system 10, as shown in Figure 1. The improved SIM card uses a compressed data coding format to store information while remaining compatible with the mobile station 8. As with the above patents, this patent does not discuss or suggest utilizing a wafer mobile phone platform.

The first Liebenow patent, U.S. Patent No. 6,522,640 issued February 18, 2003, discloses a modem for non-cellular cordless/wireless data communications for portable computers. The modem utilizes a digital signal processor 14 inside a PCMCIA card 12 for insertion into computer 64 to wirelessly connect to a preexisting telecommunications system. As with the above patents, this patent does not discuss or suggest utilizing a wafer mobile phone platform.

The second Johnson patent, U.S. Patent No. 6,573,868 issued June 3, 2003, discloses a retractable antenna for electronic devices to improve their communication in a wireless communication system. The retractable antenna 50 is configured for use in a cavity 48 of a communications card, such as PCMCIA card 10 adapted to be inserted into a computer device 64, as shown in Figures 1 and 2. The retractable antenna is also adapted to be used with cellular phones, PDAs, electronic organizers, GPS systems, wireless communications systems and the like. As with the above patents, this patent does not discuss or suggest utilizing a wafer mobile phone platform.

The Liebenow patent application[1] (the "second Liebenow patent"), U.S. Publication No. US 2002/0001289 published January 3, 2002, discloses a modem for non-cellular cordless/wireless data communications for portable computers that is similar in concept to the first Liebenow patent described above. Like that patent, this patent does not discuss or suggest utilizing a wafer mobile phone platform.

The Suzuki patent application, U.S. Publication No. US 2002/0045375 published April 18, 2002, discloses a card connector for removable attachment of one or more card-like memory modules to a circuit board for information transfer between the memory module(s) and the circuit board. As shown in Figure 8, card connector 1 can be used with a

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[1] Patent applications are published at approximately 18 months after the filing date or their claimed date of priority to a previous patent or patent application. Although a patent may or may not issue from the patent application, it is still considered a prior art publication.

cellular phone to receive a first memory card 51, such as a SD Card® , and a second memory card 52, such as a SIM card. The card connector 1 allows different memory cards to be utilized with a cellular phone or other device. As with the above patents, this patent does not discuss or suggest utilizing a wafer mobile phone platform.

The Johnson patent application (the "third Johnson Patent"), U.S. Publication No. US 2002/0118135 published August 29, 2002, discloses a retractable antenna for electronic devices to allow the devices to engage in wireless communication. The retractable antenna is particularly configured for small devices, as it takes little room in the device. As set forth in paragraphs 15 through 17 on page 2 of the disclosure, the antenna may be used with a variety of electronic devices, including PDAs, cellular phones, communications cards, compact flash cards and the like. Although the patent does not directly address, discuss or suggest utilizing a wafer mobile phone platform, it does seem to suggest some type of portable communication device (but not necessarily one that moves from one electronic device to another).

The Benson patent application, U.S. Publication No. US 2002/0196127 published December 26, 2002, discloses a communication method and apparatus that works with a remote communication device, such as a mobile digital telephone, that is adapted to receive requests to confirm the identity of the user of the device. The phone can be adapted to hold an identification module to provide for authentication as to the user. As with the above patents, this patent does not discuss or suggest utilizing a wafer mobile phone platform.

The Sato patent application, U.S. Publication No. US 2003/0048794 published March 13, 2003, discloses an interconnecting device configured to be connected to a network, particularly wireless networks, and a plurality of network devices. The patent application discusses using a wireless communication portion having a bluetooth compatible module to interconnect local area networks and wireless wide area networks. The patent application also discusses utilizing an expansion module to expand the function of an interconnecting device by inserting the expansion medium (i.e., bluetooth module and/or PHS card) into a slot in the housing of the interconnecting device. While the patent application does discuss inter-connecting various electronic devices together, it does not discuss or suggest utilizing a wafer mobile phone platform.

The Sauriol patent application, U.S. Publication No. US 2003/0125020 published July 3, 2003, discloses a wireless development platform system that developing wireless systems, such as network-enabled cellular telephones. As shown in Figure 1, the wireless development platform 102 includes a host device 104 having an electronic bus 106 receiving one or more protocol modules 108. The wireless platform 102 is configured to build and test a variety of devices by, in effect, creating a universal testing platform. This is accomplished by abstracting the interfaces and protocols used by the different devices to a

removable protocol modules 108. Although this patent application does discuss using a modular system to allow interaction between various devices, it does not discuss or suggest utilizing a wafer mobile phone platform.

The Clough patent application, U.S. Publication No. US 2003/0128272 published July 10, 2003, discloses a wireless digital media card for use in a digital camera. The removable wireless digital media card 114 is inserted into camera 112 to link the camera 112 to a variety of devices, as shown in Figure 1. This allows the images stored in the digital camera 112 to be transmitted to the other devices without switching cards or physically connecting the camera 112 to one of the devices, such as the desktop computer 102A. Although this patent application discloses a system for transmitting images directly from a digital camera, it does not discuss or suggest utilizing a wafer mobile phone platform.

Review of each of the foregoing patents indicates that nothing in the prior art specifically discloses the identical structure as contemplated by your invention. Specifically, none of these patents disclose the concept of separating a mobile telephone's communication features from the phone to create a phone wafer or module that is adaptable to being attached to a variety of peripheral devices, including cell phones, cameras, video cameras, computers, PDAs and other devices. In addition, none of the above-identified patents disclose or suggest the use of the wafer as a phone. Therefore, it is very likely that the invention would satisfy the novelty requirement for patentability.

The non-obviousness analysis requires that the specific structural features of your invention not be found in the prior art. To determine whether the invention is obvious, the Patent Office will analyze the teachings from the prior art (i.e., as set forth in prior patents and non-patent literature) to determine whether a person of ordinary skill in that art would find it obvious to combine various aspects or components of the prior art to arrive at your invention. Because this analysis requires several layers of determination, it is often difficult to predict whether the Patent Office will consider that a particular invention is obvious in light of existing technology.

With regard to the non-obviousness requirement, the above patents illustrate that it is generally known to utilize modular materials that are suitable for connecting to a variety of different electronic devices to improve communication with that device. In addition, the above patents also show that it is well known to attach a module to a peripheral device to improve that device's function (i.e., Kikinis and Clough) and to insert a communication card into a device to allow the device to communicate with other devices (i.e., the Johnson patents and the Liebenow patents). The patent search associate suggested that the Hollander, second Johnson patent and the third Johnson patent (particularly paragraphs 15 through 17 of the published patent application) were very relevant to your invention. Based on my review, however, none of the enclosed patents or patent applications teach or suggest the use of cell phone wafer that

separates the communication aspect of the cell phone from the phone to create a module that can be attached to peripheral devices to allow the user to use the device as a cellular phone and to transmit information to and from the phone over a wireless telephone network. Based on the technology disclosed in the referenced patents, it appears that your invention should satisfy the non-obviousness requirement for patentability.

It is possible that a Patent Office examiner may argue that the technology described in several of the patents would make your invention obvious in light of that technology. For instance, the wireless communication capability of the PCMCIA cards described in the Johnson patents (as an example) shows that it is known to have a modular type of device that can allow a peripheral unit to communicate with a wireless network. To overcome this and improve the likelihood of obtaining a patent on your invention, we should clearly distinguish your wafer mobile phone platform from the PCMCIA cards and other types of insertable or attachable cards that facilitate communication over a wireless (or wired) communication system.

Based on the foregoing, it appears that a patent application directed toward the subject invention should have a good chance, but not an absolute certainty (none are) of being successful. You should carefully review the enclosed patents to determine if the technology that is critical to your invention is disclosed or suggested by any of the patents, either singularly or in combination. In addition, as we have discussed, it is possible that other patent or non-patent literature may exist that could lessen the likelihood of patent success. If you know of any such literature, you should provide that to me for review.

In considering whether to pursue patent protection for your invention, you should consider the costs of a patent application ($4,500 in attorney fees, $375+ in filing fees and drawing costs, if necessary) in light of the potential benefits of patent protection for your invention (i.e., exclusive rights for approximately 17 to 18 years). In light of these and other considerations, please let me know whether you desire to begin preparation of a patent application directed toward your invention.

If you do desire to pursue a patent application directed to your invention, it would be highly beneficial to obtain information on the components that would be separated out from a cellular phone to create your wafer and how that wafer would connect to peripheral devices. With regard to the patent filing fee, the Patent Office fee is $375 for a total of twenty claims and three independent claims. It is likely that any patent application directed toward your device will exceed that number. I would anticipate that the patent application would have claims directed to an apparatus, method and a system of utilizing your concept so that we can obtain as broad of patent coverage as possible.

Please call me if you have any questions or need any additional information regarding the foregoing.

Sincerely,

Richard A. Ryan
RYAN & ENGNATH

RAR:
Enclosures